



STATE OF ARIZONA

April 29, 2011

JANICE K. BREWER  
GOVERNOR

EXECUTIVE OFFICE

The Honorable Ken Bennett  
Secretary of State, 7<sup>th</sup> floor  
1700 W. Washington  
Phoenix, Arizona 85007

RE: House Bill 2650 (county employees; merit system exemption)

Dear Secretary Bennett,

Today I vetoed House Bill 2650 "county employees; merit system exemption." This legislation allows all Arizona counties except Maricopa County to remove certain administrative positions from the county merit system if requested to do so by a county elected officer who has been empowered by a Board of Supervisors resolution to make the request. In addition, the legislation makes a number of changes regarding moving county governments (except Maricopa) to a more uncovered at-will workforce.

While the legislation has some similarities to what I would like the legislature to consider regarding state government personnel reform, there are areas of significant concern for me. Among them:

- Failure to address the special employment challenges faced by full authority law enforcement officers.
- An overly broad salary increase trigger for uncovering an employee.
- The lack of planning time.
- The exclusion of Arizona's largest county from the bill.

As many are aware, I am very supportive of government personnel reform. The Arizona Department of Administration and my staff worked extensively on a proposal that, while not considered during the 2011 regular legislative session, is a prime candidate for consideration in a special legislative session. Such a session—including the time leading up to it—also presents a good opportunity for pursuing in greater depth and with more care the matters addressed in House Bill 2650.

Sincerely,

Janice K. Brewer  
Governor

cc: The Honorable Russell Pearce  
The Honorable Andy Tobin  
The Honorable Judy Burges  
Senate Secretary  
Chief Clerk of the House of Representatives  
Arizona News Service

Conference Engrossed

State of Arizona  
House of Representatives  
Fiftieth Legislature  
First Regular Session  
2011

## HOUSE BILL 2650

AN ACT

AMENDING SECTION 11-352, ARIZONA REVISED STATUTES; RELATING TO THE COUNTY  
EMPLOYEE MERIT SYSTEM.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 11-352, Arizona Revised Statutes, is amended to  
3 read:

4 11-352. Adoption of limited county employee merit system by  
5 resolution; removal of certain administrative  
6 positions by resolution; at will uncovered employees

7 A. Any county may by resolution of the board adopt a limited county  
8 employee merit system for all county appointive officers and employees.  
9 Elected officers shall not be included in such a merit system.

10 B. Any county may by resolution of the board remove certain  
11 administrative positions from the county employee merit system. IF REQUESTED  
12 BY AN ELECTED OFFICER OF A COUNTY WITH A POPULATION OF LESS THAN TWO MILLION  
13 PERSONS, THE BOARD, BY RESOLUTION, MAY ALLOW THE ELECTED OFFICER OF THE  
14 COUNTY TO REMOVE CERTAIN ADMINISTRATIVE POSITIONS FROM THE COUNTY EMPLOYEE  
15 MERIT SYSTEM. The positions that may be removed from the county employee  
16 merit system are:

- 17 1. County manager.
- 18 2. Deputy county manager.
- 19 3. Assistant county manager.
- 20 4. Chief deputies to elected officials.
- 21 5. Department directors.
- 22 6. Deputy directors, not to exceed three in each department.
- 23 7. One position in each department that reports directly to the  
24 director or deputy director as designated by the director and deputy  
25 director.

26 8. An administrative position declared exempt after August 8, 1985.  
27 ~~The number of positions declared exempt under this paragraph shall not exceed~~  
28 ~~ten per cent of the total number of county appointive officers and employees.~~

29 C. EXCEPT AS PROVIDED IN SUBSECTION D, any employee who was included  
30 as a covered employee in the county employee merit system at the time the  
31 employee assumed the employee's present position and whose position becomes  
32 exempt under subsection B may elect to remain included under the merit  
33 system, but if terminated the employee must be afforded the opportunity to  
34 accept another vacant position within the merit system for which the employee  
35 is qualified.

36 D. AFTER THE EFFECTIVE DATE OF THIS AMENDMENT TO THIS SECTION, IN A  
37 COUNTY WITH A POPULATION OF LESS THAN TWO MILLION PERSONS:

- 38 1. ALL NEW HIRES ARE AT WILL UNCOVERED EMPLOYEES.
- 39 2. ANY COVERED EMPLOYEE WHO VOLUNTARILY ACCEPTS A CHANGE IN  
40 ASSIGNMENT, REGARDLESS OF WHETHER THE VOLUNTARY CHANGE IN ASSIGNMENT IS A  
41 PROMOTION, DEMOTION OR LATERAL TRANSFER, IS AN AT WILL UNCOVERED EMPLOYEE ON  
42 THE START DATE OF THE VOLUNTARY CHANGE IN ASSIGNMENT.
- 43 3. ANY COVERED EMPLOYEE WHO RECEIVES AND ACCEPTS A SALARY INCREASE IS  
44 AN AT WILL UNCOVERED EMPLOYEE ON THE START DATE OF THE SALARY INCREASE.

Passed the House March 1, 20 11

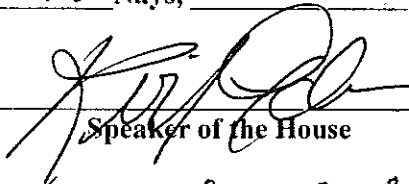
Passed the Senate April 19, 20 11

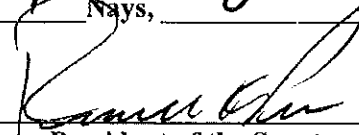
by the following vote: 39 Ayes,

by the following vote: 21 Ayes,

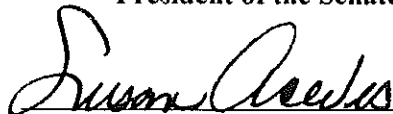
18 Nays, 3 Not Voting

9 Nays, 0 Not Voting

  
Speaker of the House

  
President of the Senate

  
Cheryl Laube  
Chief Clerk of the House

  
Susan Reedes  
Assistant Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

           day of           , 20           

at            o'clock            M.

            
Secretary to the Governor

Approved this            day of

            
at            o'clock            M.

            
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this            day of           , 20           

at            o'clock            M.

            
Secretary of State

H.B. 2650

HOUSE FINAL PASSAGE  
as per Joint Conference

Passed the House April 20, 2011

by the following vote: 31 Ayes,

28 Nays, 1 Not Voting

[Signature]  
Speaker of the House

Cheryl Laube  
Chief Clerk of the House

SENATE FINAL PASSAGE  
as per Joint Conference

Passed the Senate April 20, 2011

by the following vote: 20 Ayes,

7 Nays, 3 Not Voting

[Signature]  
President of the Senate

Charmine Bellington  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

20 day of April, 2011

at 8:30 o'clock A. M.

Nicole Bendice  
Secretary to the Governor

Approved this \_\_\_\_\_ day of \_\_\_\_\_

**VETO**  
at \_\_\_\_\_ 'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

H.B. 2650

\_\_\_\_\_  
Secretary of State